

**MARGIE L. RICE**  
Mayor

**TRI TA**  
Mayor Pro Tem

**FRANK G. FRY**  
Council Member

**ANDY QUACH**  
Council Member

**TYLER DIEP**  
Council Member



# **AGENDA**

**APRIL 1, 2009**

**ADJOURNED REGULAR MEETING  
JOINT MEETING OF  
CITY COUNCIL/PLANNING COMMISSION**

**6:00 p.m. – Council Chambers**

**CITY COUNCIL/REDEVELOPMENT AGENCY**

**7:00 p.m. – Council Chambers**

**8200 WESTMINSTER BOULEVARD  
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

## **AGENDA INFORMATION**

### **MEETINGS**

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

### **AGENDA INFORMATION**

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review and is available on the City's web site at: <http://www.ci.westminster.ca.us>.

### **ATTENDANCE AND PARTICIPATION BY THE PUBLIC**

Except as specifically provided by law for closed sessions, all meetings of the City Council/Redevelopment Agency shall be open and public. Every agenda for regular meetings of the City Council/Redevelopment Agency provides the public an opportunity to directly address the City Council/Agency Board on items of interest to the public that are within the subject matter jurisdiction of the City Council or on any agenda items. NO action may be taken on items not listed on the agenda unless authorized by law. Unless otherwise extended by the City Council/Agency Board, the amount of time for each individual speaker shall not exceed five (5) minutes.

### **AGENDA ON THE INTERNET**

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

### **TELEVISED MEETING SCHEDULE**

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

### **PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT**

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

# **AGENDA**

April 1, 2009

**6:00 P.M.**

## **JOINT MEETING**

### **CITY COUNCIL AND PLANNING COMMISSION**

#### **CALL TO ORDER:**

**ROLL CALL:** RICE, TA, FRY, QUACH, DIEP

**PRESENT:**

**ABSENT:**

**ROLL CALL:** BERTELS, TRAN, TURRO, VO, HO

**PRESENT:**

**ABSENT:**

#### **1. ORAL COMMUNICATIONS**

#### **2. Overview of the Ralph M. Brown Act, Conflict of Interest Rules and Ethic Laws and Principals. (Dick Jones)**

#### **RECESS:**

#### **RECONVENE:**

**NOTE:** Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

# **AGENDA**

April 1, 2009

**7:00 P.M.**

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

## **RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

**ROLL CALL:** RICE, TA, FRY, QUACH, DIEP

**PRESENT:**

**ABSENT:**

**SALUTE TO FLAG:** City Attorney

**INVOCATION:**

### **1. ORAL COMMUNICATIONS**

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS ON THE AGENDA OR NON-AGENDA ITEMS THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION, EXCEPT PUBLIC HEARING ITEMS. MEMBERS OF THE PUBLIC WISHING TO ADDRESS PUBLIC HEARING ITEMS SHALL DO SO AT THE TIME OF THE PUBLIC HEARING. UNLESS OTHERWISE EXTENDED BY A MAJORITY VOTE OF THE CITY COUNCIL/AGENCY BOARD, COMMENTS SHALL BE LIMITED TO FIVE (5) MINUTES PER SPEAKER.

ANY PERSON WISHING TO ADDRESS THE CITY COUNCIL/AGENCY BOARD SHOULD COMPLETE A GREEN SPEAKER SLIP THAT IS PROVIDED AT THE ENTRANCE TO THE COUNCIL CHAMBERS AND SUBMIT THE CARD TO THE CITY CLERK/SECRETARY. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND CITY OF RESIDENCE FOR THE RECORD.

**SPECIAL PRESENTATIONS – None.**

**REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS**

# AGENDA

April 1, 2009

## 2. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND MAY BE APPROVED BY A SINGLE MOTION FOLLOWED BY A ROLL CALL VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY BOARD OR STAFF REQUEST THAT SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

### APPROVAL OF MINUTES

- 2.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of [February 11, 2009](#) and [February 25, 2009](#); Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of [March 2, 2009](#); and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of [March 11, 2009](#).** (Marian Contreras)

RECOMMENDATION: Approve.

### ROUTINE MATTERS

- 2.2 **(Agency) Exclusive Negotiating Agreement with Sequoia Standard for Workforce Housing.** (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Chair and Agency Board approve the Exclusive Negotiating Agreement (ENA) with Sequoia Standard for a proposed Workforce Housing development at 202-210 Hospital Circle, and authorize the Chair to execute the Agreement on behalf of the City.

### ORDINANCES (SECOND READING)/RESOLUTIONS

- 2.3 **Ordinance No. 2441 – An Ordinance of the Mayor and City Council of the City of Westminster Amending the Official City of Westminster Zoning Map Implementing a Change of Zoning (Case No. 2008-84) from Restricted Commercial District to R5 Multiple Units (Nineteen to Twenty-four Units Per Acre) District for the Property Located at 280 Hospital Circle (APN 096-251-17). Applicant: AMCAL Royal Fund, L.P.** (Doug McIsaac)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2441 and waive further reading.

- 2.4 **Ordinance No. 2442 - An Ordinance of the Mayor and City Council of the City of Westminster to Amend Chapter 2.08 (City Manager) of Title 2 (Administration and Personnel) of the Westminster Municipal Code.** (Ray Silver)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2442 and waive further reading.

# AGENDA

April 1, 2009

## 2. CONSENT CALENDAR (Continued)

- 2.5 **Resolution No. 4225 – A Resolution of the Mayor and City Council of the City of Westminster Authorizing an Application to Fund the Hazard Avenue Storm Drain Project from the Clean Water State Revolving Fund Program.** (MarwanYoussef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4225 requesting funds from the Clean Water State Revolving Fund Program (CWSRF).

### WARRANT REGISTER

- 2.6 **(City Council/Redevelopment Agency) Warrant Register dated March 18, 2009 through March 24, 2009.** (Paul Espinoza)

RECOMMENDATION: Approve.

### INFORMATION AND REPORTS

- 2.7 **Minutes of the Planning Commission meeting held on March 4, 2009.** (Doug McIsaac)

RECOMMENDATION: Receive and file.

- 2.8 **Treasurer's Report – February 2009** (Paul Espinoza)

RECOMMENDATION: Receive and file.

### **END OF CONSENT CALENDAR**

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3. **COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW - None**

## 4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE A GREEN SPEAKER SLIP THAT IS PROVIDED AT THE ENTRANCE TO THE COUNCIL CHAMBERS. PLEASE SUBMIT THE SPEAKER SLIP TO THE CITY CLERK/SECRETARY. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

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AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED THE TIME LIMITS.

**NOTE:** IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

## 4.1 CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S ACTION TO DENY CASE NO. 2008-69, A VARIANCE REQUEST TO MAINTAIN AN EXISTING ONE-CAR GARAGE IN-LIEU OF MODIFYING THE GARAGE INTO A TWO-CAR GARAGE WHICH IS REQUIRED DUE TO THE APPLICANT'S PROPOSED 497-SQUARE FOOT BEDROOM ADDITION.

WESTMINSTER MUNICIPAL CODE (WMC) SECTION 17.08.020 (H)(13) REQUIRES A NONCONFORMING GARAGE TO BE MODIFIED TO A TWO-CAR GARAGE WITH MINIMUM INTERIOR DIMENSIONS OF 20 FEET BY 20 FEET WHEN THERE IS AN ADDITION TO A SINGLE-FAMILY RESIDENCE OF 25 PERCENT OR MORE OF THE ORIGINAL GROSS FLOOR AREA. THE SUBJECT RESIDENCE IS LOCATED AT 14162 NANCY LEE DRIVE (ASSESSOR'S PARCEL NUMBER 195-312-09); APPELLANT: MR. DANIEL VALADEZ; APPLICANT: MR. JORGE RIVERA, PROPERTY OWNER'S REPRESENTATIVE; PROPERTY OWNER: MR. MARIO VALADEZ. (Doug McIsaac)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant/Appellant:

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

# AGENDA

April 1, 2009

## 4. PUBLIC HEARINGS (Continued)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4223 entitled "A Resolution of the Mayor and City Council of the City of Westminster Upholding the Planning Commission's Decision to Deny Case No. 2008-69 Pertaining to a Variance Request to Maintain an Existing One-Car Garage In-Lieu of Modifying the Garage Into a Two-Car Garage Located at 14162 Nancy Lee Drive."

### 4.2 REVIEW OF CASE NO. 2009-05, AN APPLICATION FOR A ZONE CHANGE, TENTATIVE PARCEL MAP, VARIANCES, SITE PLAN, AND DESIGN REVIEW AT 13931 CEDAR STREET (APN 096-083-17). A ZONE CHANGE FROM C-2, COMMERCIAL-GENERAL TO R-5, RESIDENTIAL MULTIPLE UNITS (19 TO 24 UNITS PER ACRE) LAND USE CLASSIFICATION IS REQUIRED FOR THE DEVELOPMENT OF TWO ATTACHED RESIDENTIAL DWELLING UNITS. BOTH UNITS WILL BE TWO STORIES, 23 FEET HIGH. A VARIANCE IS REQUIRED FOR TWO-STORY SIDE YARD SETBACK OF FIVE (5) FEET WHEREAS CODE REQUIRES TEN (10) FEET, TO CONSTRUCT UNIT SIZES BELOW THE CITY'S MINIMUM OF 1,225 SQUARE FOOT AND 1,400 SQUARE FOOT FOR THREE AND FOUR BEDROOM UNITS RESPECTIVELY, AND TO PROPOSE A SIX-FOOT HIGH SOLID FENCE IN THE FRONT YARD SETBACK. APPLICANT/OWNER: HABITAT FOR HUMANITY OF ORANGE COUNTY, INC. (Doug McIsaac)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant

Others Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council:

- 1) Introduce Ordinance No. 2444 entitled: "An Ordinance of the Mayor and City Council of the City of Westminster Amending the Official City of Westminster Zoning Map Implementing a Change of Zoning (Case No. 2009-05) from C-2, Commercial From C-2, Commercial General-Business to R-5, Residential Multiple-Units (19 to 24 units per acre) District for the property located at 13931 Cedar Street (Assessor's Parcel Number 096-083-17)", and waive further reading; and
- 2) Adopt Resolution No. 4224 entitled: "A Resolution of the Mayor and City Council of the City of Westminster Approving Tentative Parcel Map, Variances, Site Plan, and Design Review (Case No. 2009-05) to Develop Two Affordable Condominium Units Located at 13931 Cedar Street (Assessor's Parcel Number 096-083-17)."



# AGENDA

April 1, 2009

## 4. PUBLIC HEARINGS (Continued)

### 4.3 WEED ABATEMENT – SPRING 2009 (Marwan Youssef)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Overrule any objections received for the abatement of the weeds; and
- 2) Adopt Resolution No. 4222 entitled,: “A Resolution of the Mayor and City Council of the City of Westminster determining and declaring that certain weeds are growing upon certain streets, sidewalks, parkways, and private property in the City of Westminster, and rubbish and refuse have been deposited upon sidewalks, parkways and private property in the City, and that the same are a public nuisance; ordering and directing the City Manager to have said weeds destroyed and to have rubbish and refuse removed as required by law.”

## 5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

### 5.1 Council/Agency Member Items

### 5.2 AB 1234 Reports

## 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

### 6.1 Award of Contract for Street Improvements on Goldenwest Street from Hazard Avenue to Garden Grove Boulevard and Bushard Street from Westminster Boulevard to Hazard Avenue – Project No. Proposition 1B (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Transfer \$1,380,637 from Street Improvement Program to Capital Project “Goldenwest Street Improvement from Hazard Avenue to Trask Avenue”; and
- 2) Award a contract to the low qualified bidder, All American Asphalt, in the amount of \$2,552,841.69; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City.

# AGENDA

April 1, 2009

## 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

### 6.2 Approval of 2009 Justice Assistance Grant (JAG) Fund Distribution Agreement and Expenditure Plan. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Authorize the City Manager to execute the Edward Byrne Memorial Memorandum of Understanding for 2009; and
- 2) Approve an appropriation of \$145,489 for the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to the Local Law Enforcement Block Grant (LLEBG), Grant Revenue for the Fiscal Year 2009-10 budget; and
- 3) Approve an appropriation of \$145,489 to the LLEBG Fund expenditure budget for Fiscal Year 2009-10 to the following line items:

Account	Description	Amount
258-39910-43090	Contractual Services	\$107,645.80
258-39910-40020	Part-Time Wages	\$ <u>37,843.20</u>
		\$145,489.00

## 7. WRITTEN COMMUNICATIONS (Public) – None.

## 8. LEGISLATIVE ITEMS – None.

## 9. COMMISSION AND COMMITTEE ITEMS – None.

## 10. COUNCIL/AGENCY ADJOURNMENT:

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

*Marian Contreras*

Marian Contreras, City Clerk/Agency Secretary